

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**TERRENCE JONES**

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**CRIMINAL NO. 6:12-CR-31**

**REPORT & RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On April 18, 2012, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Terrence Jones. The government was represented by Nathaniel Kummerfeld, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by court-appointed federal defender Ken Hawk.

Defendant originally pled guilty to 4 counts: Count 1, Armed Bank Robbery; Count 2, Use of a Firearm During a Crime of Violence; Count 3, Armed Bank Robbery, Aiding and Abetting; and Count 4, Use of a Firearm During a Crime of Violence. Counts 1 and 3, Armed Bank Robbery and Armed Bank Robbery, Aiding and Abetting, respectively, are Class B felonies. The offenses carried a statutory maximum imprisonment term of 25 years. The United States Sentencing Guideline range, based on a total offense level of 24 and a criminal history category of II, was 51 to 71 months. Count 2, Use of a Firearm During a Crime of Violence, is a Class D felony, which carried a statutory maximum imprisonment term of 5 years. The United States Sentencing Guideline range, based on a total offense level of 24 and a criminal history category of II, was 60 months. Count 4, Use of a Firearm During a Crime of Violence, is a Class C felony. The offense carried a statutory maximum imprisonment term of 20 years. The United States Sentencing Guideline range, based on a total offense level of 24 and a criminal history category of II, was 240 months.

On May 21, 1991, District Judge Barefoot Sanders of the Northern District of Texas sentenced Defendant to 180 months imprisonment followed by 5 years supervised release subject to the standard conditions of release, plus special conditions to include drug treatment. On January 14, 2011, Defendant completed the term of imprisonment and began his term of supervised release.

On April 11, 2012 Chief Judge Leonard Davis of the Eastern District of Texas accepted transfer of jurisdiction.

Under the terms of supervised release, Defendant was prohibited, in relevant part, from committing another federal, state or local crime. In its petition, the government alleges that Defendant violated his term of supervised release when he plead guilty to the offense of Theft of Property >\$1500<\$20K, a state jail felony, in the 7th Judicial District Court Smith County, Texas. Defendant was sentenced to 9 months in a state jail facility.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by committing the offense of Theft of Property >\$1500<\$20K, a statutory sentence of no more than 3 years of imprisonment may be imposed. 18 U.S.C. § 3583(e)(3). Further, Defendant will have committed a Grade B violation. U.S.S.G. § 7B1.3(a)(1). The Court may then revoke supervised release. U.S.S.G. § 7B1.3(a)(1). Considering Defendant's criminal history category of II, the Guideline imprisonment range for a Grade B violation is 6 to 12 months. U.S.S.G. 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to the government's petition. In exchange, the government agreed to recommend that Defendant serve 8 months imprisonment with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court **RECOMMENDS** that Terrence Jones be committed to the custody of the Bureau of Prisons for a term of imprisonment of 8 months, with no supervised release to follow. The Court further **RECOMMENDS** that the place of confinement be FCI Seagoville, Seagoville, Texas.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Leonard Davis for adoption immediately upon issuance.

**So ORDERED and SIGNED this 19th day of April, 2012.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE